



General Assembly

January Session, 2001

***Amendment***

LCO No. 8397

Offered by:

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. 7007

File No. 603

Cal. No. 414

***"AN ACT CONCERNING CRIME VICTIMS."***

1 Strike lines 50 to 57, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "(d) Any person who files an application with the court to be  
4 exempted from the registration requirements of this section pursuant  
5 to subsection (b) or (c) of this section shall, pursuant to subsection (b)  
6 of section 54-227, as amended by this act, notify the Office of Victim  
7 Services and the Department of Correction of the filing of such  
8 application. The Office of Victim Services or the Department of  
9 Correction, or both, shall, pursuant to section 54-230, as amended by  
10 this act, or section 6 of this act, notify any victim who has requested  
11 notification of the filing of such application. Prior to granting or  
12 denying such application, the court shall consider any information or  
13 statement provided by the victim."

14 Strike lines 90 to 92, inclusive, in their entirety and substitute the  
15 following in lieu thereof:

16       ", pursuant to subsection (b) of section 54-227, as amended by this  
17 act, notify the Office of Victim Services and the Department of  
18 Correction of the filing of such petition. The Office of Victim Services  
19 or the Department of Correction, or both, shall, pursuant to section 54-  
20 230, as amended by this act, or section 6 of this act, notify any victim  
21 who has requested notification pursuant to subsection (b) of section 54-  
22 228, as amended by this act, of the filing of such petition."

23       In line 93, strike "thereon."

24       After line 99, add the following and renumber the remaining  
25 sections accordingly:

26       "Sec. 3. Section 54-227 of the general statutes is repealed and the  
27 following is substituted in lieu thereof:

28       (a) Any inmate who makes an application to the Board of Pardons,  
29 Board of Parole or Department of Correction for release other than a  
30 furlough from a correctional institution or who applies to the  
31 sentencing court or judge for a reduction in sentence pursuant to  
32 section 53a-39, or who applies to the review division for a review of  
33 sentence pursuant to section 51-195, shall notify the Office of Victim  
34 Services and the Department of Correction of such application on a  
35 form prescribed by the Office of the Chief Court Administrator.  
36 Notwithstanding any provision of the general statutes, no such  
37 application shall be accepted unless the applicant has notified the  
38 Office of Victim Services and the Department of Correction pursuant  
39 to this subsection and provides proof of such notice as part of the  
40 application.

41       (b) Any person who files an application with the court to be  
42 exempted from the registration requirements of section 54-251  
43 pursuant to subsection (b) or (c) of said section and any person who  
44 files a petition with the court pursuant to section 54-255 for an order  
45 restricting the dissemination of the registration information or  
46 removing such restriction shall notify the Office of Victim Services and  
47 the Department of Correction of the filing of such application or

48 petition on a form prescribed by the Office of the Chief Court  
49 Administrator or the Department of Correction. Notwithstanding any  
50 provision of the general statutes, no such application or petition shall  
51 be considered unless such person has notified the Office of Victim  
52 Services and the Department of Correction pursuant to this subsection  
53 and provides proof of such notice as part of the application or petition.

54 [(b)] (c) Notwithstanding any provision of the general statutes to the  
55 contrary, the Board of Pardons, Board of Parole, sentencing court and  
56 sentence review division may make available to the Office of Victim  
57 Services and the Department of Correction direct access to records in  
58 their custody, including computerized criminal history record  
59 information, for the purpose of performing [its] said office's and  
60 department's duties regarding victim notification.

61 Sec. 4. Section 54-228 of the general statutes is repealed and the  
62 following is substituted in lieu thereof:

63 (a) Any victim of a crime or any member of an inmate's immediate  
64 family who desires to be notified whenever an inmate makes an  
65 application to the Board of Pardons, Board of Parole, Department of  
66 Correction, sentencing court or judge or review division as provided in  
67 section 54-227, or whenever an inmate is scheduled to be released from  
68 a correctional institution other than on a furlough, may complete and  
69 file a request for notification with the Office of Victim Services or the  
70 Department of Correction.

71 (b) Any victim of a criminal offense against a victim who is a minor,  
72 a nonviolent sexual offense or a sexually violent offense, as those terms  
73 are defined in section 54-250, or a felony found by the sentencing court  
74 to have been committed for a sexual purpose, as provided in section  
75 54-254, who desires to be notified whenever the person who was  
76 convicted or found not guilty by reason of mental disease or defect of  
77 such offense files an application with the court to be exempted from  
78 the registration requirements of section 54-251 pursuant to subsection  
79 (b) or (c) of said section or files a petition with the court pursuant to

80 section 54-255 for an order restricting the dissemination of the  
81 registration information, or removing such restriction, may complete  
82 and file a request for notification with the Office of Victim Services or  
83 the Department of Correction.

84 (c) Such request for notification shall be in such form and content as  
85 the Office of the Chief Court Administrator may prescribe. Such  
86 request for notification shall be confidential and shall remain  
87 confidential while in the custody of the Office of Victim Services and  
88 the Department of Correction and shall not be disclosed. It shall be the  
89 responsibility of the victim to notify the Office of Victim Services and  
90 the Department of Correction of his or her current mailing address,  
91 which shall be kept confidential and shall not be disclosed by the  
92 Office of Victim Services.

93 Sec. 5. Section 54-230 of the general statutes is repealed and the  
94 following is substituted in lieu thereof:

95 (a) Upon receipt of notice from an inmate pursuant to section 54-  
96 227, as amended by this act, the Office of Victim Services shall notify  
97 by certified mail all persons who have requested to be notified  
98 pursuant to [sections] subsection (a) of section 54-228, as amended by  
99 this act, and section 54-229 whenever such inmate makes application  
100 for release or sentence reduction or review. Such notice shall be in  
101 writing and notify each person of the nature of the release or sentence  
102 reduction or review being applied for, the address and telephone  
103 number of the board or agency to which the application by the inmate  
104 was made, and the date and place of the hearing or session, if any,  
105 scheduled on the application.

106 (b) Upon receipt of notice from a person pursuant to subsection (b)  
107 of section 54-227, as amended by this act, the Office of Victim Services  
108 shall notify by certified mail all persons who have requested to be  
109 notified pursuant to subsection (b) of section 54-228, as amended by  
110 this act, whenever such person files an application with the court to be  
111 exempted from the registration requirements of section 54-251

112 pursuant to subsections (b) or (c) of said section or files a petition with  
113 the court pursuant to section 54-255 for an order restricting the  
114 dissemination of the registration information, or removing such  
115 restriction. Such notice shall be in writing and notify each person of the  
116 nature of the exemption or of the restriction or removal of the  
117 restriction being applied for, the address and telephone number of the  
118 court to which the application or petition by the person was made, and  
119 the date and place of the hearing or session, if any, scheduled on the  
120 application or petition.

121 (c) Upon compliance with the notification requirements of this  
122 section, the Office of Victim Services shall notify, on a form prescribed  
123 by the Office of the Chief Court Administrator, the board, agency or  
124 court to which the application or petition was made of such  
125 compliance.

126 [(b)] (d) Upon receipt of notice from the Department of Correction  
127 pursuant to section 54-231, the Office of Victim Services shall notify by  
128 certified mail all victims who have requested to be notified pursuant to  
129 section 54-228, as amended by this act, whenever such inmate is  
130 scheduled to be released from a correctional institution. Such notice  
131 shall be in writing and notify each victim of the date of such inmate's  
132 release. The victim shall notify the Office of Victim Services of his or  
133 her current mailing address, which shall be kept confidential and shall  
134 not be disclosed by the Office of Victim Services.

135 Sec. 6. (NEW) (a) Upon receipt of notice from an inmate pursuant to  
136 section 54-227 of the general statutes, as amended by this act, the  
137 Department of Correction shall notify by certified mail all persons who  
138 have requested to be notified pursuant to subsection (a) of section 54-  
139 228 of the general statutes, as amended by this act, and section 54-229  
140 of the general statutes whenever such inmate makes application for  
141 release or sentence reduction or review. Such notice shall be in writing  
142 and notify each person of the nature of the release or sentence  
143 reduction or review being applied for, the address and telephone  
144 number of the board or agency to which the application by the inmate

145 was made, and the date and place of the hearing or session, if any,  
146 scheduled on the application.

147 (b) Upon receipt of notice from a person pursuant to subsection (b)  
148 of section 54-227 of the general statutes, as amended by this act, the  
149 Department of Correction shall notify by certified mail all persons who  
150 have requested to be notified pursuant to subsection (b) of section 54-  
151 228 of the general statutes, as amended by this act, whenever such  
152 person files an application with the court to be exempted from the  
153 registration requirements of section 54-251 of the general statutes  
154 pursuant to subsections (b) or (c) of said section or files a petition with  
155 the court pursuant to section 54-255 of the general statutes for an order  
156 restricting the dissemination of the registration information, or  
157 removing such restriction. Such notice shall be in writing and notify  
158 each person of the nature of the exemption or of the restriction or the  
159 removal of the restriction being applied for, the address and telephone  
160 number of the court to which the application or petition by the person  
161 was made, and the date and place of the hearing or session, if any,  
162 scheduled on the application or petition.

163 (c) Upon compliance with the notification requirements of this  
164 section, the Department of Correction shall notify, on a form  
165 prescribed by the Office of the Chief Court Administrator, the board,  
166 agency or court to which the application or petition was made of such  
167 compliance."

168 In line 264, strike "the legal rights of" and bracket "a victim" and  
169 after the closing bracket insert "any right guaranteed to a crime victim  
170 by the Constitution of the state or any right provided to a crime victim  
171 by any provision of the general statutes"

172 Strike sections 9 and 12 in their entirety and renumber the  
173 intervening and remaining sections accordingly

174 After line 344, add the following:

175 "Sec. 13. (NEW) Any civil action brought against a crime victim, as

176 defined in section 1-1k of the general statutes, by a defendant in a  
177 criminal proceeding on account of the exercise or intended exercise by  
178 such crime victim of any right guaranteed under the first amendment  
179 to the United States Constitution, section 3, 4 or 14 of article first of the  
180 constitution of the state or subsection b. of article twenty-ninth of the  
181 amendments to the constitution of the state or any right provided to  
182 such crime victim by any provision of the general statutes, shall, upon  
183 motion of such crime victim, be stayed during the pendency of such  
184 criminal proceeding.

185 Sec. 14. Section 46b-59b of the general statutes is repealed and the  
186 following is substituted in lieu thereof:

187 Notwithstanding any provisions of this chapter, no court shall make  
188 an order granting the right of visitation to a parent who has been  
189 convicted of murder under section 53a-54a, 53a-54b, 53a-54c or 53a-  
190 54d, or in any other jurisdiction, of any crime the essential elements of  
191 which are substantially the same as any of such crimes, [of the other  
192 parent of the child who is the subject of the visitation order, unless  
193 such child] unless the child who is the subject of the visitation order is  
194 of sufficient age to signify [his] such child's wishes and [he] such child  
195 assents to such order. Until any such visitation order is granted, no  
196 person shall visit, with the child present, such parent who has been  
197 convicted of murder without the consent of the child's parent,  
198 guardian or legal custodian.

199 Sec. 15. (NEW) Whenever a prosecutorial official, after the  
200 investigation of the cause and circumstances of a person's death,  
201 declines to criminally prosecute any person in connection with such  
202 death, a member of such deceased person's immediate family may file  
203 a written complaint with the Chief State's Attorney or the Criminal  
204 Justice Commission. Not later than thirty days after the receipt of such  
205 complaint, the Chief State's Attorney or the chairperson of the  
206 Criminal Justice Commission shall respond in writing to the  
207 complainant informing the complainant of the action, if any, said Chief  
208 State's Attorney or chairperson has taken or intends to take concerning

209 such matter."